

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF TENNESSEE**  
**NORTHEASTERN DIVISION**

TRACY FORD, as parent and next	)	
friend, for WYATT MABRY,	)	
CHRISTOPHER J. KANE, as parent and	)	
next friend, for SHELBY KANE,	)	
	)	
Plaintiffs,	)	Case No. 2:15-cv-00059
	)	
v.	)	
	)	
CLAY COUNTY BOARD OF	)	
EDUCATION and JERRY STRONG,	)	
in his official capacity,	)	
	)	
Defendants.	)	

**DEFENDANTS' EMERGENCY MOTION TO IMMEDIATELY DISSOLVE**  
**EX PARTE TEMPORARY RESTRAINING ORDER**

Come now the Defendants, CLAY COUNTY BOARD OF EDUCATION (the "Board") and JERRY STRONG ("Mr. Strong"), (collectively "Defendants"), by and through counsel, and move the Court to immediately dissolve the Temporary Restraining Order (the "TRO") entered by the Clay County Chancery Court, *ex parte*, on Friday, October 9, 2015. As grounds, Defendants submit that Plaintiffs obtained this *ex parte* TRO without notice to the Defendants and without making any effort to notify Defendants of their intent to obtain extraordinary relief. In support of their motion, Defendants rely upon the following:

1. A memorandum of law, filed contemporaneously herewith;
2. The Declaration of Defendant Jerry Strong, attached hereto as Exhibit 1; and
3. The Declaration of Defendant Benjamin Bailey, attached hereto as Exhibit 2.

4. A copy of the Temporary Restraining Order entered on October 9, 2015, by the Clay County Chancery Court, in civil action No. 15-CV-4139, attached hereto as Exhibit 3.
5. A copy of the Complaint filed on October 9, 2015, in the Clay County Chancery Court, in civil action No. 15-CV-4139, attached hereto as Exhibit 4.
6. Summons issued by the Clay County Chancery Court, in civil action No. 15-CV-4139, attached hereto as Exhibit 5.
7. A copy of Defendants' Joint Notice of Removal, attached hereto as Exhibit 6.

WHEREFORE, because Plaintiffs failed to comply with the mandatory requirements of Rule 65.03(1) of the Tennessee Rules of Civil Procedure, which is identical to Rule 65(b)(1) of the Federal Rules of Civil Procedure, Defendants request that the Temporary Restraining Order entered by the Chancery Court for Clay County on October 9, 2015, should be immediately vacated and declared void *ab initio* with a hearing on the requested relief to be reset at Plaintiffs' discretion upon Plaintiffs' compliance with Federal Rule of Civil Procedure 65 and Local Rule 65.01.

Respectfully submitted,

**LEWIS, THOMASON,  
KING, KRIEG & WALDROP, P.C.**

By /s/ Charles W. Cagle

Charles W. Cagle, BPR No. 13738  
Emily H. Mack, BPR No. 31217  
Bradley W. Craig, BPR No. 31082  
424 Church Street, Suite 2500  
P.O. Box 198615  
Nashville, TN 37219-8615  
(615) 259-1366

*Attorneys for Defendants Clay County Board of  
Education and Jerry Strong*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 14th day of October, 2015 a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

☒ X

By placing postage prepaid envelope in United States Mail Service, addressed to:

Michael R. Giaimo, BPR# 19394  
James D. White, BPR# 10313  
204 N. Washington Avenue  
Cookeville, TN 38501

/s/ Charles W. Cagle\_\_\_\_\_